

REMARKS

Claims 1-8 are all the claims pending in the application.

The Examiner withdrew the previous rejection of claims 1-8. The Examiner, however, found new grounds for rejecting claims 1-8. In particular, claims 1-8 are now rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,266,816 to Watson, Jr. et al. (hereinafter “Watson”). Applicant respectfully traverses this rejection and respectfully requests the Examiner to reconsider this rejection in view of the comments, which follow.

To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and recitation of the Applicant’s claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must clearly and unequivocally disclose every element and recitation of the claimed invention.

Of these claims, only claims 1 and 5 are independent. Claim 1 recites a number of unique features, including: “said request handling means also checking whether said at least one requested channel is available at said input of said broadcasting unit...request generating means, coupled to said request handling means, for generating second type request information indicative for said unavailable requested channel, when said at least one requested channel is not available at said input of said broadcasting unit...and request transmitting means, coupled to said request generating means, for transmitting said second type request information to another broadcasting unit.”

For example, an illustrative, non-limiting embodiment of the present invention discloses a central broadcasting unit (first broadcasting unit) that receives all of the available channels and

a second broadcasting unit coupled to the central broadcasting unit that receives only a limited number of channels. This second broadcasting unit is coupled to a number of subscribers to supply the subscribers with the requested channels. When the subscriber requests a channel the second broadcasting unit checks whether this channel is received at the input of the second broadcasting channel and if this channel is not available at the input of this second broadcasting unit, the second broadcasting unit requests this channel from the first broadcasting unit. Thereby, the access network resource occupancy is significantly reduced without affecting the quality of service. This passage is provided by way of an example only and is not intended to limit the scope of the claims in any way.

Watson is no different from the prior art discussed in the specification. Watson has the drawback of having all television channels being supplied to the inputs of all broadcasting units in an access network. Even if none of the subscribers served by the broadcasting unit requests this channel, this channel will be available at the input of the broadcasting unit. In particular, Watson teaches a CATV origination center which transmits all of the available television channels provided by the cable operator over a cable network 13. The cable network 13 includes a trunk cable 14 connected to plural nodes 19 of the network 13. A channel access controller 18 is coupled into the network at each node 19. Each controller 18 is connected to as many as four subscriber households 22 by drop cables 24 (Fig. 1; col. 9, lines 1 to 28).

Watson, however, teaches that “*each channel access controller 18 receives all of the available television channels at an input 20*” (col. 9, lines 12 to 14). In other words, Watson, is no different from the prior art disclosed in the specification, where each broadcasting unit (controller 18) have all available channels at its input (input 20).

Therefore, Watson fails to disclose “said request handling means also checking whether said at least one requested channel is available at said input of said broadcasting unit.” Since all the channels are available at the input, there is no point in checking whether the requested channel is available at the input. In Watson, the requested channel will always be available at the input 20 of the controller 18. Moreover, since all channels are available at the input of the controller 20, Watson fails to disclose request generating means and request transmitting means, which will generate and transmit a second type of request. In other words, since all of the channels are available at the input of controller 18, there is no need to send a request to the center 12 requesting the channel.

The Examiner alleges that Watson’s controller 18, headend 12 and television receivers 29 (located at the subscriber’s household 22) are equivalent to a broadcasting unit, another broadcasting unit and user terminals as set forth in claim 1, respectively, (see pages 2-3 of the Office Action). Next, the Examiner alleges that MMC 40 and AD/VSP 80 check whether at least one requested channel is available at the CA-Cont 18 and are thus equivalent to “said request handling means checking whether said at least one requested channel is available at the input of said broadcasting unit as set forth in claim 1 (see page 3 of the Office Action).

Watson, however, discloses that the receiver 46 (located in the controller 18) receives all of the television channels from the headend 12 via a coupler 44, and the receiver 46 filters out a single television channel for which the receiver 46 was searching (col. 11, lines 44 to 49). In other words, the receiver 46 simply filters, weeds out, the needed channel. Since, in Watson, the receiver 46 receives all available channels, the receiver does not need to check whether the requested channel is available at the input of the broadcasting unit. In Watson, all channels are

available at the input of the controller 18 and all channels are supplied to receiver 46 so that a desired channel can be selected. In Watson, it's just a matter of filtering out and finding the needed channel. In short, Watson clearly fails to disclose request handling means checking whether said at least one requested channel is available at the input of the broadcasting unit.

Moreover, the Examiner alleges that in Watson, Rec 46 coupled to MMC 40 and AD/VSP 80 and S-Filter 60 inherently sends requests to the headend 12 and in response the headend 12 transmits the unavailable channels. Therefore, the Examiner alleges Watson teaches the request generating means as set forth in claim 1 (see page 4 of the Office Action). Applicant has carefully studied Watson's discussion of the communication between the headend 12 and the controller 18, and Applicant respectfully submits that this rejection is incorrect as a technical matter.

Watson teaches that the controller 18 serves as a slave to the headend 12. The controller 18 does not initiate communications with the headend 12. Rather, the headend 12 periodically polls the status of the controller 18, and the controller responds with status information, viewing data, or requests. Data communications with the headend 12 are controlled by microprocessor, memory and control circuitry (MMC) 40 (col. 10, lines 36 to 44). Watson discloses that the controller 18 is a slave not capable of initiating communication with the headend 12. In Watson, the controller 18 only responds to polls of the headend 12. Therefore, Watson fails to disclose a request generating means for generating a second type of request. Moreover, Watson fails to disclose requesting unavailable channel when the requested channel is not available at the input of the broadcasting unit. In fact, in Watson, the controller 18 receives all channels. Thus, this

type of request is impossible for Watson. In Watson, there is never a case where the requested channel is not available at the input of the broadcasting unit

In short, since the controller 18 cannot generate requests and can only respond to polls from the headend 12, and since the controller 18 receives all of the channels at the input (all channels provided by the headend 12 are available at the input of the controller 18), Watson fails to disclose when a requested channel is not available at the input to the controller 18 and generating a request for this channel to the headend 12. In Watson, the controller 18 has to wait until the headend 12 polls for its status, and moreover, since all of the channels are available at the input of the controller 18, this event will never occur.

Finally, the Examiner in making the rejection omitted “request transmitting means,” as set forth in claim 1. The Examiner did not indicate which features of Watson meets this feature of claim 1. Applicant respectfully submits that Watson does not teach or suggest request transmitting means for transmitting second type request information to another broadcasting unit.

Therefore, “said request handling means also checking whether said at least one requested channel is available at said input of said broadcasting unit...request generating means, coupled to said request handling means, for generating second type request information indicative for said unavailable requested channel, when said at least one requested channel is not available at said input of said broadcasting unit...and request transmitting means, coupled to said request generating means, for transmitting said second type request information to another broadcasting unit,” as set forth in claim 1 is not disclosed in Watson, whose teachings are no different from the teachings of the prior art disclosed in the specification. In Watson, the controller 18 receives all of the available channels, thereby causing a significant amount of

transfer capacity on the cables between two broadcasting units and transferring unnecessary information (channels not required by the subscriber's household) to the controller 18.

For at least all these exemplary reasons, Applicant respectfully submits that independent claim 1 is patentably distinguishable from Watson. Applicant therefore respectfully requests the Examiner to withdraw this rejection of independent claim 1. Also, Applicant respectfully submit that claims 2-4 are allowable at least by virtue of their dependency on claim 1.

In addition, independent claim 5 recites "a second broadcasting unit supplied with a limited selection of channels chosen from said plurality of channels from the first broadcasting unit and sending a second type of request to said first broadcasting unit." This recitation is somewhat similar to the recitation of request generating means and request handling means as set forth in claim 1. Since claim 5 contains features that are similar to the features argued above with respect to claim 1, those arguments are respectfully submitted to apply with equal force here. For at least substantially the same reasons, therefore, Applicant respectfully requests the Examiner to withdraw this rejection of independent claim 5 and its dependent claims 6-8.

Moreover, with respect to claim 5, it recites that the second broadcasting unit is supplied with "a limited selection of channels chosen from said plurality of television channels." The Examiner alleges that Watson's controller 18 is supplied with a limited selection of channels (see page 5 of the Office Action). This is technically incorrect as Watson teaches that "each channel access controller 18 receives all of the available television channels at an input 20" (Fig. 1; col. 9, lines 12 to 14) and "the receiver 46 receives all available television channels from the headend

Request for Reconsideration under 37 C.F.R § 1.111
U.S. Application No.; 09/517,691

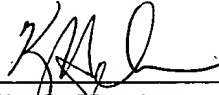
Attorney Docket No. Q58016

via directional coupler 44" (Fig. 2; col. 11, lines 44 to 49). In short, the controller 18 of Watson receives all possible channels from the headend. For at least this additional reason, Applicant respectfully submits that claim 5 is patentably distinguishable from Watson.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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